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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Applicant:** Brandt, et al.  
**Serial No.:** 10/058,360  
**Filed:** January 28, 2002

**Examiner:** B. Pesin  
**Art Unit:** 2174

**Entitled:** METHOD AND APPARATUS FOR DISPLAYING HELP WINDOW  
SIMULTANEOUSLY WITH WEB PAGE PERTAINING THERETO

**Docket No.:** ROC919960172US2

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)**

**PURPOSE OF DECLARATION**

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to October 23, 1996,

which is the alleged effective date of the Webcrawler:

☒ publication  
☐ patent

and which was cited by the

☒ Examiner.  
☐ Applicant.

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2. The person making this declaration is (are):

☒ the inventor(s).

☐

only some of the joint inventors (and a suitable excuse is attached for failure of the omitted joint inventor(s) to sign).

☐

the party in interest (and a suitable explanation as why it is not possible to produce the declaration of the inventor(s) is attached).

### FACTS AND DOCUMENTARY EVIDENCE

3.

To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence<sup>1</sup>:

- ☐ sketches
- ☐ blueprints
- ☐ photographs
- ☐ reproduction(s) of notebook entries
- ☒ invention disclosure documents
- ☐ model
- ☒ product specifications
- ☐ product announcements

☐ supporting statement(s) by witness(es) (where verbal disclosures are the evidence relied upon)

☐

other: \_\_\_\_\_

Applicants conceived the invention disclosed within the above-identified application at least as early as August 1996, a date which is earlier than the effective date of the Webcrawler publication. As evidence, Applicants submit the following documentation:

Exhibit A

IBM internal design document, last edited August 26, 1996. This design document includes:

(i) a screen shot of a web page window on a monitor. *Exhibit A, Page 1 of 3.*

(ii) A help button designed to receive a help request from a user. *Exhibit A, Page 1 of 3; see also Exhibit A, Page 2 of 3 (stating that "a separate help window will open when the user requests help by pushing the help button on the form.").*

(iii) A description indicating that the ACT Manager will use JavaScript to allocate a portion of the monitor for a help window. *Exhibit A, Pages 1-2 of 3 (stating that "[w]e will use JavaScript functions to enhance the behavior of the forms in the UI... a separate help window will open when the user requests help by pushing the help button on the form.").*

<sup>1</sup> Confidential information not relevant to the invention date of the present application has been masked.

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(iv) A description indicating that the help information will pertain to the web page. *Exhibit A, Page 2 of 3 (stating that "[s]pecific online help will be provided for each form").*

### Exhibit B

Disclosure document RO896-0263, created by Applicants and submitted to Applicants' employer (IBM) for processing on December 8, 1996. This disclosure document includes:

- (i) a web page window containing a web page obtained from a server. *Exhibit B, Page 3 of 4, (stating that "if the user is on web page X...").*
- (ii) receiving a help request from a user for the web page. *Exhibit B, Page 3 of 4, (stating that "... the help button is pressed...").*
- (iii) allocating a portion of the monitor for a help window in response to the help request. *Exhibit B, Page 3 of 4 (stating that "Our solution to the problem uses JavaScript to spinoff a new small browser window" and "... the help window is opened ... in Frame B").*
- (iv) presenting information to the user in the help window pertaining to the web page, wherein the information includes user-readable instructions that describe how to accomplish functions in the web page. *Exhibit B, Page 3 of 4 (stating that "the help window is opened with information specific to web page X" and that its solution "provides contextually relevant help...").*

This disclosure document indicates the invention was conceived and deemed workable by August 16, 1996. *See Exhibit B, Page 2 of 4.*

This disclosure document indicates that Applicants had actually reduced the invention to practice by the document's submission date. *Exhibit B, Page 3 of 4 (stating that "[a]n early version of our product, with this function, can be found at HTTP://rchas317.rchland.ibm.com/QIBM/NetworkStation/MRI2942/nsmgr.htm").*

This disclosure document includes a description of the problem that closely matches that found in the "Description of the Related Art" section of the above-identified application.

#### Compare Exhibit B:

In web applications, generally, the user asks for help by clicking on a hypertext link of a topic of interest and the main work area is replaced by the help information. The browsers' back button (or similar navigation mechanism) is used to return to the area of interest. This requires the user to remember the relevant help information from one panel to the next. This is awkward and makes the user pay a heavy penalty in terms of performance (both human and machine) whenever they need help.

with the above-identified application:

However, when web pages are obtained, a user asks for help by clicking on a hypertext link to a topic of interest. The main work area of the web page is then replaced by the help information. A "back" button (or similar navigation mechanism) returns the user to the area of interest by deleting the help information from the display. This requires the user to remember relevant help information from one panel to the next, or to "flip" back and forth between the web page and the help information. Such operation is awkward and extracts a heavy penalty in terms of performance (machine and human) whenever help is required.

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**DILIGENCE**

4.

Applicants were continuously diligent from a time just prior to the effective date of the Webcrawler publication up to the:

- ☒ actual reduction to practice.
- ☒ filing of this application.
- ☐

no such statement is required inasmuch as the actual reduction to practice occurred prior to the date of the reference.

As evidence, Applicant submit the following documentation showing continuous diligence:

**Exhibit A**

IBM internal design document, last edited August 26, 1996, describing the invention in the above-identified application.

**Exhibit B**

Disclosure document RO896-0263, created by Applicants and submitted to Applicants' employer (IBM) for processing on December 8, 1996. The disclosure document describes the invention in the above-identified application and indicates that Applicants had actually reduced the invention to practice.

**Exhibit C**

An evaluation dated December 23, 1996, by Owen Gamon, an IBM attorney, recommending that a patent be filed on the invention in disclosure document RO896-0263.

**Exhibit D**

A letter dated December 23, 1996, engaging Terrance Meador, of Bakker, Jester, Maxham and Meador, to prepare an application on the invention in disclosure document RO896-0263.

**Exhibit E**

A letter dated December 30, 1996, requesting a search be performed on the invention in disclosure document RO896-0263.

**Exhibit F**

A letter dated January 17, 1997, forwarding search results to Terrance Meador.

**Exhibit G**

A letter dated January 22, 1997, forwarding a draft of the patent application.

**Exhibit H**

A letter dated January 30, 1997, forwarding a revised draft of the patent application.

Exhibit IA facsimile dated February 17, 1997, requesting changes to the patent application.

Exhibit JA facsimile dated February 24, 1997, requesting changes to the patent application.

**Exhibit K**

A transmittal letter showing Applicants filed the patent application on February 25, 1997.

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TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted:

☐ prior to final rejection.

☒ with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection.

☐ after final rejection. A showing under 37 C.F.R. § 1.116(b) is submitted herewith.

This Supplemental Declaration is being submitted after a Final Rejection because Applicant's previous submission of the Declaration was not accepted due to alleged informalities contained therein.

DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

7. (Complete A or B)

A. Inventor(s)

Full name of sole  
or first inventor:

Marcia Lynn Brandt

Inventor's signature

*Marcia Lynn Brandt*

Date:

5/26/05

Country of Citizenship:

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Full name:

Joseph Vincent DiCecco

Inventor's signature

*Joseph Vincent DiCecco*

Date:

6/2/05

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Residence:

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**B. Assignee**

Name and title of person  
authorized to sign on behalf  
of assignee:

\_\_\_\_\_

Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

P.O. Address:

Name of Assignee:

Address of Assignee:

International Business Machines Corporation  
Armonk, New York

Assignment recorded in PTO

on date:

at Real/Frame:

\_\_\_\_\_/\_\_\_\_\_

☐ A certificate under 37 C.F.R. § 3.73(b) is attached.

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